



February 20, 2007

## HOUSE BILL No. 1538

DIGEST OF HB 1538 (Updated February 20, 2007 11:36 am - DI 114)

**Citations Affected:** IC 10-17; IC 14-8; IC 14-22; IC 20-12; IC 20-20; IC 20-28; IC 25-1; noncode.

**Synopsis:** Military and veterans issues. Provides that certain members of the armed forces or law enforcement officers are not required to complete a hunter education course before obtaining a hunting license. Establishes employment criteria for employees of the department of veterans' affairs and local service officers. Provides for reimbursement of certain expenses of medal of honor recipients. Provides that a power of attorney for prosecution of veterans' benefits runs to an agency or individual authorized by the department of veterans' affairs. Provides a \$200 payment to certain members of the national guard or armed forces. Establishes the veterans' affairs trust fund and board to provide assistance to veterans and their families. Specifies that active duty military personnel stationed in Indiana are eligible for resident tuition rates at state educational institutions. Expands the high school diploma program for eligible veterans to include veterans of the Korean and Vietnam conflicts. Authorizes various licensing boards to adopt rules to expedite the licensure of individuals whose spouses are stationed on active duty in Indiana.

**Effective:** July 1, 2007.

**Reske, Noe, Grubb, Davis**

January 23, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.  
February 8, 2007, amended, reported — Do Pass. Recommended to Committee on Ways and Means.  
February 20, 2007, amended, reported — Do Pass.

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February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## HOUSE BILL No. 1538

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-17-1-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The position of  
3 director of veterans' affairs is established. The governor shall appoint  
4 the director for a four (4) year term. However, the term of office of the  
5 director terminates when the term of office of the governor terminates  
6 or when a successor to the director is appointed and qualified. The  
7 director must be:  
8 (1) an honorably discharged veteran who has at least six (6)  
9 months **active** service in the armed forces of the United States;  
10 and  
11 (2) a citizen of Indiana and a resident of Indiana for at least five  
12 (5) years immediately preceding the director's appointment.  
13 (b) The director is entitled to reimbursement for necessary traveling  
14 and other expenses.  
15 (c) The governor may remove the director if the governor considers

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the director guilty of misconduct, incapability, or neglect of duty.

(d) The governor shall appoint an assistant director of veterans' affairs. The assistant director is entitled to receive reimbursement for necessary traveling and other expenses. The assistant director has the same qualifications as the director of veterans' affairs and shall assist the director in carrying out this chapter.

SECTION 2. IC 10-17-1-6, AS AMENDED BY P.L.58-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The director of veterans' affairs:

(1) is the executive and administrative head of the **Indiana** department of veterans' affairs; and

(2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint, by and with the consent of the commission, under this chapter and notwithstanding IC 4-15-2, the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must be:

(A) honorably discharged veterans who have had at least six (6) months service in the armed forces of the United States and who are citizens of the United States and Indiana; or

(B) spouses, surviving spouses, parents, or children of an individual described in clause (A).

An employee must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the

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1 military family relief fund.

2 **(9) To establish a program and set guidelines under which a**  
 3 **medal of honor awardee may receive compensation when**  
 4 **attending and participating in official ceremonies.**

5 **(c) There is annually appropriated to the Indiana department of**  
 6 **veterans' affairs from the state general fund an amount sufficient**  
 7 **to cover expenses incurred under subsection (b)(9).**

8 SECTION 3. IC 10-17-1-7 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. ~~The director of~~  
 10 ~~veterans' affairs may act as agent of a veteran under (a) A power of~~  
 11 ~~attorney authorizing the director to act action on behalf of the a veteran~~  
 12 ~~in obtaining a benefit or an advantage provided under Indiana law must~~  
 13 ~~run to an authorized agency or individual recognized by the United~~  
 14 ~~States Department of Veterans Affairs.~~

15 **(b) A rule contrary to this section is void.**

16 SECTION 4. IC 10-17-1-9 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A county  
 18 executive:

19 (1) shall designate and may employ a county service officer; and

20 (2) may employ service officer assistants;

21 to serve the veterans of the county.

22 (b) The fiscal body of a city may provide for the employment by the  
 23 mayor of a city service officer and service officer assistants to serve the  
 24 veterans of the city.

25 (c) If the remuneration and expenses of a county or city service  
 26 officer are paid from the funds of the county or city employing the  
 27 service officer, the service officer shall:

28 (1) have the same qualifications and be subject to the same rules  
 29 as ~~other employees the director, assistant director, and state~~  
 30 ~~service officers~~ of the Indiana department of veterans' affairs;  
 31 and

32 (2) serve under the supervision of the director of veterans' affairs.

33 **A service officer assistant must have the same qualifications as an**  
 34 **employee described in section 11(b) of this chapter. A rule contrary**  
 35 **to this subsection is void.**

36 (d) County and city fiscal bodies may appropriate funds necessary  
 37 for the purposes described in this section.

38 SECTION 5. IC 10-17-1-11 IS ADDED TO THE INDIANA CODE  
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 40 1, 2007]: Sec. 11. (a) **The following employees of the Indiana**  
 41 **department of veterans' affairs must satisfy the requirements set**  
 42 **forth in section 5(a) of this chapter:**

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(1) State service officers.

(2) Director of the state approving agency.

(3) Program directors of the state approving agency.

(4) Director of the Indiana state veterans' cemetery established by IC 10-17-11-4.

(b) An employee of the Indiana department of veterans' affairs not described in subsection (a) must:

(1) satisfy; or

(2) be the spouse, surviving spouse, parent, or child of a person who satisfies;

the requirements set forth in section 5(a) of this chapter.

SECTION 6. IC 10-17-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) A member of the National Guard or the armed forces of the United States who:**

(1) is a resident of Indiana; and

(2) serves on active duty for at least one hundred fifty (150) days in a period of three hundred sixty-five (365) days outside Indiana either:

(A) after August 1, 1990, and before December 1, 1995; or

(B) after September 10, 2001;

is entitled to receive two hundred dollars (\$200) at the end of the applicable period of service described in subdivision (2) to assist in covering expenses incurred because of the period of service. A member is entitled to one (1) payment of two hundred dollars (\$200) under this subsection regardless of the length of the member's service.

(b) The Indiana department of veterans' affairs shall adopt rules under IC 4-22-2 to provide for the prompt payment of the money to which a member of the National Guard or the armed forces of the United States is entitled under subsection (a).

(c) There is annually appropriated to the Indiana department of veterans' affairs an amount sufficient from the state general fund to make the payments required under this section.

SECTION 7. IC 10-17-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 13. Veterans' Affairs Trust Fund**

**Sec. 1.** As used in this chapter, "board" refers to the veterans' affairs trust fund board established by section 4 of this chapter.

**Sec. 2.** As used in this chapter, "fund" refers to the veterans' affairs trust fund established by section 3 of this chapter.

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1       **Sec. 3. (a) The veterans' affairs trust fund is established to**  
 2 **provide assistance to veterans and their families.**

3       **(b) The fund consists of the following:**

- 4       **(1) Appropriations by the general assembly.**
- 5       **(2) Donations, gifts, grants, and bequests to the fund.**
- 6       **(3) Interest and dividends on assets of the funds.**
- 7       **(4) Money transferred to the fund from other funds.**
- 8       **(5) Money from any other source deposited in the fund.**

9       **Sec. 4. The veterans affairs' trust fund board is established.**

10      **Sec. 5. The board consists of the following members:**

11      **(1) Seven (7) members appointed by the governor. The**  
 12 **governor shall consider the following when making**  
 13 **appointments under this subdivision:**

14      **(A) Membership in:**

- 15      **(i) a veterans association established under IC 10-18-6;**  
 16      **or**  
 17      **(ii) a veterans organization listed in IC 10-18-8-1.**

18      **(B) Service in the armed forces of the United States (as**  
 19 **defined in IC 5-9-4-3) or the national guard (as defined in**  
 20 **IC 5-9-4-4).**

21      **(C) Experience in education, including higher education,**  
 22 **vocational education, or adult education.**

23      **(D) Experience in investment banking or finance.**

24      **The governor shall designate one (1) member appointed under**  
 25 **this subdivision to serve as chairperson of the board.**

26      **(2) The director of veterans' affairs appointed under**  
 27 **IC 10-17-1-5 or the director's designee.**

28      **(3) The adjutant general of the military department of the**  
 29 **state appointed under IC 10-16-2-6 or the adjutant general's**  
 30 **designee.**

31      **(4) Four (4) members of the general assembly appointed as**  
 32 **follows:**

33      **(A) Two (2) members of the senate, one (1) from each**  
 34 **political party, appointed by the president pro tempore of**  
 35 **the senate with advice from the minority leader of the**  
 36 **senate.**

37      **(B) Two (2) members of the house of representatives, one**  
 38 **(1) from each political party, appointed by the speaker of**  
 39 **the house of representatives with advice from the minority**  
 40 **leader of the house of representatives.**

41      **Members appointed under this subdivision are nonvoting,**  
 42 **advisory members and must serve on a standing committee of**

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the senate or house of representatives that has subject matter jurisdiction over military and veterans affairs.

Sec. 6. The board shall meet at least quarterly at the call of the chairperson of the board.

Sec. 7. Five (5) voting members of the board constitute a quorum. The affirmative vote of five (5) members of the board is necessary for the board to take action.

Sec. 8. (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the member is appointed.

(b) The term of a member expires on the later of the following:

(1) The day a successor is appointed.

(2) July 1 of the year following the year in which the member is appointed.

However, a member serves at the pleasure of the appointing authority.

(c) An appointing authority may reappoint a member for a new term.

(d) An appointing authority shall appoint an individual to fill a vacancy on the board.

Sec. 9. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be

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1 paid from appropriations made to the legislative council or the  
2 legislative services agency.

3 **Sec. 10. (a) The board shall manage and develop the fund and**  
4 **the assets of the fund.**

5 **(b) The board shall do the following:**

6 **(1) Establish a policy for the investment of the assets of the**  
7 **fund. In establishing a policy under this subdivision, the board**  
8 **shall:**

9 **(A) consider the immediate needs of veterans and their**  
10 **families to the extent those needs are not addressed by the**  
11 **military family relief fund established by IC 10-17-12-8;**  
12 **and**

13 **(B) have as its long term goal creating a self sustaining**  
14 **fund that is not dependent on legislative sources of**  
15 **funding.**

16 **(2) Acquire money for the fund through the solicitation of**  
17 **private or public donations and other revenue producing**  
18 **activities.**

19 **(3) Perform other tasks consistent with prudent management**  
20 **and development of the fund.**

21 **Sec. 11. (a) Subject to the investment policy of the board**  
22 **established under section 10 of this chapter, the treasurer of state**  
23 **shall administer the fund and invest the money in the fund.**

24 **(b) The expenses of administering the fund and this chapter**  
25 **shall be paid from the fund.**

26 **(c) The treasurer of state shall invest the money in the fund not**  
27 **currently needed to meet the obligations of the fund in the same**  
28 **manner as other public trust funds are invested. Interest that**  
29 **accrues from these investments shall be deposited in the fund.**

30 **Sec. 12. (a) An appropriation made by the general assembly to**  
31 **the fund shall be allotted and allocated at the beginning of the fiscal**  
32 **period for which the appropriation is made.**

33 **(b) Money in the fund at the end of a state fiscal year does not**  
34 **revert to the state general fund or any other fund.**

35 **(c) Except as provided by an enactment of the general assembly,**  
36 **there is annually appropriated to the board all the money in the**  
37 **fund for purposes of this chapter.**

38 **Sec. 13. Before October 1 of each year, the board shall report in**  
39 **an electronic format under IC 5-14-6 to the general assembly**  
40 **concerning the fund.**

41 **Sec. 14. The board shall adopt rules under IC 4-22-2 to do the**  
42 **following:**

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(1) Establish programs to be funded by the fund. The board shall consider the following needs of veterans and their families in establishing programs under this subdivision:

(A) Education.

(B) Economic assistance, including grants and loans.

(C) Health and medical care.

(D) Housing and transportation needs.

(E) Employment and workforce issues.

(F) Any other issue the board determines is appropriate.

(2) Determine eligibility and application procedures for programs described in subdivision (1).

(3) Otherwise implement this chapter.

**Sec. 15. There is annually appropriated from the state general fund to the board an amount sufficient to carry out the purposes of this chapter.**

SECTION 8. IC 14-8-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 148. "Law enforcement officer" has the following meanings:

(1) For purposes of IC 14-15-8, the meaning set forth in IC 14-15-8-4.

(2) For purposes of IC 14-22-11-5, the meaning set forth in IC 14-22-11-5(a).

~~(2)~~ (3) For purposes of IC 14-22-40, the meaning set forth in IC 14-22-40-5.

SECTION 9. IC 14-22-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this section, "law enforcement officer" means a:

(1) state, city, or town police officer;

(2) sheriff;

(3) town marshal;

(4) conservation officer; or

(5) deputy of any person listed in subdivisions (1) through (4).

(b) Notwithstanding subsection (c), the following individuals are not required to complete a hunter education course to obtain a hunting license:

(1) An active, reserve, or honorably discharged member of the:

(A) United States Army;

(B) United States Navy;

(C) United States Air Force;

(D) United States Coast Guard;

(E) United States Marine Corps;

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(F) Indiana Army National Guard; or

(G) Indiana Air National Guard.

(2) A law enforcement officer who:

(A) is on active duty; or

(B) has honorably retired as a law enforcement officer after at least twenty (20) years of service.

(c) In addition to other requirements for obtaining a hunting license, a person born after December 31, 1986, must have successfully completed the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

(d) If an applicant for a hunting license who is subject to subsection (c) requests that a hunter education course be offered in the applicant's county of residence, the department or the department's agent shall offer a hunting safety course under IC 14-22-35 in the applicant's county of residence not more than ninety-two (92) days after receiving a request.

SECTION 10. IC 20-12-19.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 19.1. Resident Tuition for Active Duty Military Personnel**

**Sec. 1.** As used in this chapter, "active duty" means full-time service in the armed forces of the United States that exceeds thirty (30) days in a calendar year.

**Sec. 2.** As used in this chapter, "armed forces of the United States" means any of the following:

- (1) The United States Air Force.
- (2) The United States Army.
- (3) The United States Coast Guard.
- (4) The United States Marine Corps.
- (5) The United States Navy.

**Sec. 3.** As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

**Sec. 4.** Notwithstanding any other statute, a person who:

- (1) is a nonresident of Indiana;
- (2) serves on active duty;
- (3) is stationed in Indiana; and
- (4) attends a state educational institution;

is eligible to pay the resident tuition rate determined by the state educational institution.

SECTION 11. IC 20-20-7-3, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 3. As used in this chapter, "eligible veteran" refers to an individual who has the following qualifications:

(1) Served as a member of the armed forces of the United States at any time during at least one (1) of the following periods:

(A) Beginning April 6, 1917, and ending November 11, 1918 (World War I).

(B) Beginning December 7, 1941, and ending December 31, 1946 (World War II).

**(C) Beginning June 27, 1950, and ending January 31, 1955 (Korean Conflict).**

**(D) Beginning August 5, 1964, and ending May 7, 1975 (Vietnam Conflict).**

(2) Before the military service described in subdivision (1):

(A) attended a public or nonpublic high school in Indiana; and

(B) was a student in good standing at the high school described in clause (A), to the satisfaction of the **Indiana** department of veterans' affairs.

(3) Did not graduate or receive a diploma because of leaving the high school described in subdivision (2) for the military service described in subdivision (1).

(4) Was honorably discharged from the armed forces of the United States.

SECTION 12. IC 20-28-2-6, AS ADDED BY P.L.246-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the advisory board may adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.

(2) Approve or disapprove teacher preparation programs.

(3) Set fees to be charged in connection with teacher licensing.

(4) Suspend, revoke, or reinstate teacher licenses.

(5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.

(6) Set standards for teacher licensing concerning new subjects of study.

(7) Evaluate work experience and military service concerning higher education and experience equivalency.

(8) Perform any other action that:

(A) relates to the improvement of instruction in the public

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schools through teacher education and professional development through continuing education; and

(B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

**(d) The advisory board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c).**

SECTION 13. IC 25-1-9-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:**

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

**of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.**

SECTION 14. IC 25-1-11-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:**

- (1) license;
- (2) certificate;

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1           (3) registration; or  
 2           (4) permit;  
 3       of a person whose spouse serves on active duty (as defined in  
 4       IC 25-1-12-2) and is assigned to a duty station in Indiana.  
 5       SECTION 15. [EFFECTIVE JULY 1, 2007] IC 10-17-1-5 and  
 6       IC 10-17-1-9, both as amended by this act, and IC 10-17-1-11, as  
 7       added by this act, apply to employees who begin employment with:  
 8           (1) the Indiana department of veterans' affairs; or  
 9           (2) a county or a city under IC 10-17-1-9, as amended by this  
 10       act;  
 11       as applicable, after June 30, 2007.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 5-10.4-4-8, AS AMENDED BY P.L.119-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to active teaching service not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary

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induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service and subsequently completes that program.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

- (1) The member received an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than ~~eighteen (18)~~ **twenty-four (24)** months after completion of active military service and subsequently completes that education.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) The board shall extend the ~~eighteen (18)~~ **twenty-four (24)** month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the member's discharge

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from military service. However, the board may not extend the deadline beyond ~~thirty (30)~~ **thirty-six (36)** months after the member's discharge.

(f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

- (i) the member's salary at the time the member actually makes a contribution for the service credit;
- (ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
- (iii) the number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

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However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(i) The following apply to the purchase of service credit under subsection (h):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(j) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan."

Page 22, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 24. IC 10-17-12-9, AS ADDED BY P.L.58-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest as provided in subsection (b).
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under IC 9-29-5-38.5.
- (6) Money from any other source authorized or appropriated for the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues

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from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the department for the purposes of this chapter all money in the fund not otherwise appropriated to the department for the purposes of this chapter.

**(e) In addition to an appropriation made under subsection (a)(1), there is annually appropriated from the state general fund to the fund an amount equal to the lesser of the following:**

**(1) The sum of:**

**(A) donations described in subsection (a)(2); plus**

**(B) fees described in subsection (a)(5);**

**deposited during the immediately preceding fiscal year.**

**(2) Three hundred fifty thousand dollars (\$350,000)."**

Page 26, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 26. IC 14-8-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 148. "Law enforcement officer" has the following meanings:

(1) For purposes of IC 14-15-8, the meaning set forth in IC 14-15-8-4.

**(2) For purposes of IC 14-22-11-5, the meaning set forth in IC 14-22-11-5(a).**

~~(2)~~ **(3) For purposes of IC 14-22-40, the meaning set forth in IC 14-22-40-5.**

SECTION 27. IC 14-22-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a) As used in this section, "law enforcement officer" means a:**

**(1) state, city, or town police officer;**

**(2) sheriff;**

**(3) town marshal;**

**(4) conservation officer; or**

**(5) deputy of any person listed in subdivisions (1) through (4).**

**(b) Notwithstanding subsection (c), the following individuals are not required to complete a hunter education course to obtain a hunting license:**

**(1) An active, reserve, or honorably discharged member of the:**

**(A) United States Army;**

**(B) United States Navy;**

**(C) United States Air Force;**

**(D) United States Coast Guard;**

**(E) United States Marine Corps;**

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**(F) Indiana Army National Guard; or**

**(G) Indiana Air National Guard.**

**(2) A law enforcement officer who:**

**(A) is on active duty; or**

**(B) has honorably retired as a law enforcement officer after at least twenty (20) years of service.**

~~(a)~~ **(c)** In addition to other requirements for obtaining a hunting license, a person born after December 31, 1986, must have successfully completed the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

~~(b)~~ **(d)** If an applicant for a hunting license who is subject to subsection ~~(a)~~ **(c)** requests that a hunter education course be offered in the applicant's county of residence, the department or the department's agent shall offer a hunting safety course under IC 14-22-35 in the applicant's county of residence not more than ninety-two (92) days after receiving a request."

Page 28, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 29. IC 20-12-19.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 19.1. Resident Tuition for Active Duty Military Personnel**

**Sec. 1. As used in this chapter, "active duty" means full-time service in the armed forces of the United States that exceeds thirty (30) days in a calendar year.**

**Sec. 2. As used in this chapter, "armed forces of the United States" means any of the following:**

- (1) The United States Air Force.**
- (2) The United States Army.**
- (3) The United States Coast Guard.**
- (4) The United States Marine Corps.**
- (5) The United States Navy.**

**Sec. 3. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.**

**Sec. 4. Notwithstanding any other statute, a person who:**

- (1) is a nonresident of Indiana;**
- (2) serves on active duty;**
- (3) is stationed in Indiana; and**
- (4) attends a state educational institution;**

**is eligible to pay the resident tuition rate determined by the state educational institution."**

Page 31, line 11, after "of the" insert "**Indiana**".

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Page 31, between lines 17 and 18, begin a new paragraph and insert:  
 "SECTION 32. IC 20-28-2-6, AS ADDED BY P.L.246-2005,  
 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Subject to subsection (c) and  
 in addition to the powers and duties set forth in IC 20-20-22 or this  
 article, the advisory board may adopt rules under IC 4-22-2 to do the  
 following:

- (1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning higher education and experience equivalency.
- (8) Perform any other action that:

(A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and

(B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.

- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

**(d) The advisory board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is**

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assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c).

SECTION 33. IC 25-1-9-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:**

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

**of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.**

SECTION 35. IC 25-1-11-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:**

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

**of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana."**

Page 31, between lines 40 and 41, begin a new paragraph and insert:  
**"SECTION 37. [EFFECTIVE JULY 1, 2007] IC 5-10.4-4-8, as amended by this act, applies to members of the Indiana state teachers' retirement fund who retire after June 30, 2007."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1538 as introduced.)

TINCHER, Chair

Committee Vote: yeas 7, nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Page 1, delete lines 1 through 15.

Delete pages 2 through 21.

Page 22, delete lines 1 through 24.

Page 25, line 19, delete "five hundred dollars (\$500)" and insert **"two hundred dollars (\$200)"**.

Page 25, line 22, delete "five" and insert **"two"**.

Page 25, line 23, delete "(\$500)" and insert **"(\$200)"**.

Page 25, delete lines 32 through 42.

Page 26, delete lines 1 through 34.

Page 31, delete lines 17 through 42.

Delete page 32.

Page 33, delete lines 1 through 40.

Page 34, delete lines 23 through 42.

Delete page 35.

Page 36, delete lines 1 through 25.

Page 38, delete lines 32 through 42.

Page 39, delete lines 1 through 19.

Page 39, delete line 27.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1538 as printed February 9, 2007.)

CRAWFORD, Chair

Committee Vote: yeas 20, nays 0.

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